

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY MARCH 2, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1651

Introduced by Assembly Member De La Torre

January 13, 2010

An act to add Section 20969.2 to the Government Code, relating to public retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1651, as amended, De La Torre. Public Employees' Retirement Law: furloughs: retirement credit.

The Public Employees' Retirement Law provides retirement benefits based upon a member's final compensation and years of credited service. That law provides that members in the personal leave program shall receive credit for service that would have been credited had the employee not been in the personal leave program.

This bill would provide that the calculations for retirement allowances, under the Public Employees' Retirement Law, for specified local safety members and ~~members~~ *persons* who are employees of specified educational entities and who are subject to mandatory furloughs shall include, as credit for service and compensation, the amount of service and compensation that would have been credited and paid had the ~~member~~ *employee* not been subject to mandatory furloughs on or after July 1, 2008, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 20969.2 is added to the Government Code, to read:

20969.2. (a) For all retirement purposes, including benefit eligibility and calculations of retirement allowances *under this part* for a ~~member~~ *person* employed by a county office of education, a school district, a school district that is a contracting agency, a community college district, or a local safety member, as defined in Section 20420, that is subject to mandatory furloughs, the ~~member's~~ *employee's* credit for service and compensation earnable shall include the amount of service that would have been credited and the compensation earnable that would have been reported had ~~that member~~ *the employee* not been subject to a mandatory furlough.

(b) For the purposes of this section, “mandatory furlough” includes any time period on or after July 1, 2008, during which a ~~member is~~ *employees are* directed to be absent from work without pay on the day or days designated by their employer or by a memorandum of understanding by the parties entered into on or after July 1, 2008, *for purposes of achieving budgetary savings*.

(c) An employer of a ~~member~~ *an employee* identified in subdivision (a) shall notify the board and, if applicable, the county superintendent of schools of the terms and conditions of any mandatory furlough, including, but not limited to, the amount of mandatory furlough time imposed on ~~members~~ *employees* during a reporting period, and the date on which the mandatory furlough ends. The employer and, if applicable, the county superintendent of schools shall provide any additional information as the board may require to implement this section.